

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	21-Apr-06	APPL. S. N.:	09283938
To Examiner:	GROODY, JAMES	Art Unit	2616
From	Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

The T.D. is PROPER and has been recorded (see 14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):

- The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account
- The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
- The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
- The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
- The person who signed the T.D.:
 - is not an attorney "of record" (see 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see 14.28).
 - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
- No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
- The T.D. is not signed (see 14.26 & 14.26.03).
- The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
- The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
- The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).

Other: [REDACTED] 

Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date:

RECEIVED
CENTRAL FAX CENTER

APR 14 2006

Patent
52478-1917

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hidekazu Tanigawa et al.

Serial No.: 09/283,938

Filed: April 1, 1999

For: DATA COMMUNICATION SYSTEM,
DATA TRANSMITTING APPARATUS,
AND DATA RECEIVING APPARATUS

Examiner: Hai Tran

Group Art Unit: 2611

April 14, 2006

Irvine, California 92614

LETTER TO EXAMINERVIA FACSIMILE
571-273-8300Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Tran:

Thank you for the courtesy of a phone conference on the above identified case. In accordance with your request attached is a Terminal Disclaimer which is believed to place the case in condition for allowance. If there are any questions with regards to this matter, the undersigned attorney would appreciate a telephone conference. Please charge our Deposit Account No. 19-2814 \$130.00 to cover the fee for the Terminal Disclaimer.

I hereby certify that this correspondence is being transmitted via facsimile to the USPTO at 571-273-8300 on April 14, 2006.

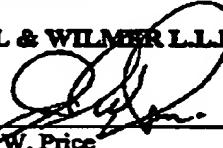
By: Sharon FarnasSharon Farnas

Signature

Dated: April 14, 2006

Very truly yours,

SNELL & WILMER L.L.P.

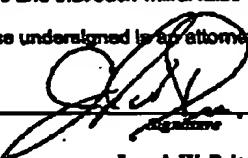


Joseph W. Price
Registration No. 25,124
600 Anton Boulevard, Suite 1400
Costa Mesa, California 92626-7689
Telephone: (714) 427-7420
Facsimile: (714) 427-7799

47697.1

1

APR 14 2006

Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent				Docket No. 52478-1917	
In Re Application Of: Hidekazu Tanigawa et al.					
Application No. 09/283,938	Filing Date April 1, 1999	Examiner Hal Tran	Customer No. 21611	Group Art Unit 2611	Confirmation No.
Invention: DATA COMMUNICATION SYSTEM, DATA TRANSMITTING APPARATUS, AND DATA RECEIVING APPARATUS					
Owner of Record: Matsushita Electric Industrial Co., Ltd.					
COMMISSIONER FOR PATENTS:					
<p>The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,701,524. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.</p>					
<p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer. In the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is released, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p>					
<p>Check either box 1 or 2 below, if appropriate.</p>					
<p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p>					
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>					
<p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record.</p>					
<p> _____ Joseph W. Price _____ Typed or Printed Name</p>					
<p>Dated: April 14, 2006</p>					
<p>04/17/2006 TL0111 08888853 192814 09283938 01 FC:1814 130.00 DA</p>					
<p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. <input type="checkbox"/> PTO suggested wording for terminal disclaimer was unchanged. <input type="checkbox"/> Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.</p>					

Application Number 	Application/Control No. 09/283,938	Applicant(s)/Patent under Reexamination TANIGAWA ET AL.

Document Code - DISQ

Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : April 14, 2006	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

Henry D. Jefferson